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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,455

11/28/2003

Jae Kyum Kim

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2292 7590 10/25/2007  
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EXAMINER

PATEL, RITA RAMESH

ART UNIT

PAPER NUMBER

1792

NOTIFICATION DATE

DELIVERY MODE

10/25/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	Application No. 10/722,455	Applicant(s) KIM ET AL.	
	Examiner Rita R. Patel	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9,10,12-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9,10,12-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>10/18/07</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

## DETAILED ACTION

### ***Response to Applicant's Arguments / Amendments***

This Office Action is responsive to the advisory mailed out on 10/16/07; Examiner has spoken with Applicant's representative Chad Wells regarding the application and has agreed to withdraw the finality of the Office Action filed 6/1/07 and enter the After Final amendments filed 10/1/07.

Claims 1, 2, 4-7, 9, 10, 12-15, and 17-20 are pending. Claims 3, 8, 11, and 16 have been cancelled. Applicant's arguments have been considered, but are not persuasive.) or (Applicant's arguments have been fully considered but upon further search and consideration, the instant claims are rejected under new grounds of rejections and thus claims 1, 2, 4-7, 9, 10, 12-15; and 17-20 are rejected for the reasons of record.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4-6, 9, 10, 12-14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronbetter et al. herein referred to as "Kronbetter" (US Patent No. 6,256,823) above, and further in view of Jelinek (US Patent No. 4,026,565).

Kronbetter teaches a washing machine 10 with housing 12 having an opening 19 in the front of panel 13. Also, there is a bellows 44 in the front panel 13, therein lying stationary drum 25 and rotating drum 30; bellows 44 reads on applicant's claim for a gasket. The motor 34 drives rotating drum 30 via a suitable connection, for example a belt 35 and pulley 36 (col. 4, lines 6-7).

The bellows 44 embodies a first channel 46 having opposing sidewalls 50, terminating in a first and second fastening means 54, 56; the first fastening means 54 has an axially extending rib 65 engageable with one of the sidewalls of the first channel; and second fastening means 56 which has an axially extending rib 70 and is engageable with one of the sidewalls of the second channel and a radially extending lip 80 engageable with the door, whereby the stationary drum is sealed to the front panel of the washing machine. Opening 19 reads on applicant's claim for a first opening; the opening of stationary drum 25 reads on applicant's claim for a second opening; and the opening of rotating drum 30 reads on applicant's claim for a third opening.

Diagrammed in Figure 2 of Kronbetter are steps 60, 61 and corner bellow portion 44 form a "Z" shaped part which reads on applicant's claims for a leakage preventing part have a first, second, and third connecting member.

Kronbetter's annular rib 64 reads on Applicant's claim for a laundry-stuck preventing part. It is at once envisaged that the annular bed/fastening means 54 are rounded; beads are known in the art to be rounded, thus a vertical cross-section of bed part 54 would be semicircular.

Kronbetter teaches the claimed invention except fails to go into detail regarding the gasket composition, and thereby fails to teach a deformation preventing part comprising a strength gusset. However, Jelinek teaches a gasket having an elastomeric and rigid part that are fused together to form a strengthened gasket; this reads on Applicant's claims for a gasket having a strength gusset. Jelinek further describes the gasket for use between stationary joint members having fluid flow passages of various cross section configurations which require planar gaskets of circumferential outline-it would have been obvious to one of ordinary skill in the art at the time of the invention to use such a gasket as taught by Jelinek in the invention of Kronbetter since the Kronbetter reference utilizes a gasket stabilized between two stations joints, namely first and second fastening means, and also has fluid flow passages of various cross section configuration between its first, second, and third openings. Jelinek provides motivation for using such a strengthened gasket, since such gaskets are elastic from its elastomeric portion, yet stiffened from its rigid part, it provides ease in handling and also a built-in stop to limit axial compression that may be applied to the deformable portion of the gasket. It is known in the art of gaskets, as taught by Jelinek to use a gasket that is flexible yet rigid when dealing with fluid flow and circumferential gasket shapes since they are more resilient, and achieve increased sealing efficacy. Washing machines are known to rotate clothes therein and apply stress between the internal components of the wash tub and drum, therefore it is necessary to have quality sealing means that will remain elastic and absorbable yet is

durable, strong, and effective for the purposes of preventing leakage of fluid and maintaining quietness during operation.

Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kronbetter and Jelinek.

Re claims 7 and 15, applicant claims a polygonal ring type rib shape, however Kronbetter teaches a hemi-circular shape. Variation in shapes for such a rib would have been obvious to one of ordinary skill in the art at the time of the invention to achieve optimum holding. Caselaw purports that the particular configuration of a product is not significant or is anything more than one of numerous configurations a person of ordinary skill in the art would find obvious for achieving the same material use. *In re Dailey* 149 USPQ 47, 50 (CCPA 1966). See also *Glue Co. v. Upton* 97 US 3, 24 (USSC 1878). A polygonal type rib shape would provide the same means of function as that of a hemi-circular shaped rib. Such variation in shapes of said rib is found to be obvious in said art and although different shapes may provide a different aesthetic quality, the structural function of the rib is maintained. Furthermore it has been found that choice in aesthetic designs was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11, (1977); *In re Harza* 124 USPQ 378 (CCPA 1960).

### ***Double Patenting***

This application is no longer provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over copending Application

Art Unit: 1792

No. 10/722,443 and 10/720,150 due to Applicant's amendments filed to the claims on 10/1/07.

### ***Conclusion***

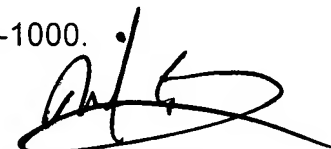
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita R. Patel whose telephone number is (571) 272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



rrp



MICHAEL BARR  
SUPERVISORY PATENT EXAMINER